



TOWN OF KITTERY, MAINE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

October 26, 2015

Kittery Town Council
Requested by Chairperson Jeffrey Thomson
Special Meeting Agenda
6:00 p.m.

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. EXECUTIVE SESSION

a. (100215-1) The Kittery Town Council moves to go into Executive Session with the Town Manager in accordance with 1 M.R.S. §405 (6) (A), to discuss her annual evaluation.

6. ADJOURNMENT

Posted: October 22, 2015



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

October 26, 2015

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials

The Kittery Town Council moves to receive a brief presentation on the Athletic Fields Master Plan from Michael Moonan of Weston & Sampson Consultants and Tony Marino, from the Kittery Athletic Fields Improvement Committee.

10. PUBLIC HEARINGS

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

a. (090315-1) Item 7: The Kittery Town Council hereby ordains amendments to section 16.5.2.4 Permit Period of the Kittery Town Code.

b. (090115-7) Item 8: The Kittery Town Council hereby ordains amendments to section 16.9.1.3 Prevention of Erosion of the Kittery Town Code.

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

b. (100215-1) The Kittery Town Council moves to approve proposed amends to Appendix A of the Kittery Town Code.

c. (100215-2) The Kittery Town Council moves to approve a renewal application from Kittery Foreside LLC, 60 Wallingford Square, Kittery for a Malt, Spirituous and Vinous Liquor License for Anneke Jans, 60 Wallingford Square.

d. (100215-3) The Kittery Town Council moves to approve the disbursement warrants.

14. COUNCILOR ISSUES OR COMMENT

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: October 22, 2015



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

Town Manager's Report to the Town Council October 26, 2015

1. **Roadway Fall Paving Program** – Dayton is working over the next few week to complete paving repairs on So. Eliot Road, Sterling Road, Laurel Lane, Crockett Neck Road, Cutts Road, and Betty Welch Road. Next spring, Tilton Ave., Old Ferry Lane, Bowen Road, Pepperrell Road, Remicks Lane will be addressed in addition to top coating of So. Eliot, Crockett Neck, Cutts, and Betty Welch.
2. **Memorial Circle and Wentworth/Walker Projects** – The draft Preliminary Design Report (PDR) for Memorial Circle will be presented before the Planning Board on October 22nd, and a revised schedule has the project advertised for bid in August, 2016. The Circle's size and geometry remain largely the same, but vehicle and pedestrian safety will be improved through modified lane widths at entries/exits, narrower curb cuts, and the installation of pedestrian sidewalks around the Circle. In addition, the base bid includes a bicycle/pedestrian path leading to Kittery Estates, while an alternative bid includes extending this path up to Adams Drive.
3. **Athletic Fields Master Plan** – This evening you will hear a presentation about the completed Master Plan. There may be immediate opportunities to pursue funding for two of the projects outlined in the plan: Emery Field is eligible to apply for a Land and Water Conservation grant, and the application is due in mid-November; and, the Seward family, who own the land along Picott Road which is mentioned in the plan for potential future expansion, have approached the Town with an interest in possibly working together to achieve this portion of the plan. I will bring more specific information to the Council in the next few weeks on each of these opportunities.
4. **Regional Dispatch** – Discussion is ongoing with the Towns of Eliot, So. Berwick, and Berwick about creating a joint dispatch center to be located in Kittery. The Town Managers and the Police/Fire leadership in all towns are meeting on a regular basis to work through how this might benefit all our communities.
5. **Police Chief Retirement** - I am working with the Eliot Town Manager to evaluate the joint Chief arrangement (e.g. what worked, what didn't), before we decide how best to move forward with replacing Chief Short. We understand the elected officials in both communities are interested in continuing the sharing arrangement, and we will pursue that possibility in a future search.

As always, if you have any questions or concerns prior to the meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,

Nancy Colbert Puff

Town of Kittery Ordinance Revision Memorandum

Originator(s): A. Grinnell, Planning Board Chair;	Council Sponsor(s): J. Thomson, Chair
Council meeting date: September 14, 2015 Joint Workshop Meeting: none	Title: Permit Period {Renewal Fee}
Town code section: Title 16, §16.5.2.4	History: Amendment

ENCLOSURES: CODE AMENDMENT

PURPOSE OF PROPOSAL:

The proposal would address a May 11, 2015 Town Council resolution that anticipates a code amendment to allow for the renewal of a building permit that includes only the base application fee.

SUMMARY OF PROPOSAL/AMENDMENT:

Section 16.5.2.4.A (lines 33-36)

This provisions allows for a single one-time renewal if work has not commenced within six months with payment of the base application fee (\$25 for residential work and \$100 for commercial work as outlined in Appendix A). The renewal is only good for six months, after which time, if work still has not commenced, all fees are due for the re-issuance of the building permit.

Section 16.5.2.4.B-C (lines 38-45)

This portion of the amendment clarifies the process for receiving approval to extend a building permit if work is not completed within two years and supports the double fee for after-the-fact permits as outlined in Appendix A.

JUSTIFICATION:

- The Code currently lacks clear direction relating to the renewal of a building permit and
- The amendment provides for better correlation between the Code and the Fee Schedule in Appendix A

FISCAL IMPACT: None.

Code Amendment

16.5.2.4 Permit Period.

A permit expires if the Code Enforcement Officer determines no substantial work has been commenced within six (6) months from date of issue. A permit expires if work is not substantially complete within two (2) years from date of issue. Expired permits may be renewed upon written request and justifiable cause demonstrated to the Code Enforcement Officer's satisfaction. ~~application and payment of a renewal fee.~~
Written request for renewal must be made prior to the permit expiration.

A.. The permit may be renewed one time only for a single six (6) month period to commence work, upon payment of the base application fee. If the Code Enforcement Officer determines substantial work has not commenced upon expiration of the six (6) month renewal period, a new permit application and payment of all applicable new permit fees must be submitted.

B. The permit may be renewed one time only for a single six (6) month period to complete work, upon payment of the base application fee. If work is not substantially complete as determined by the Code Enforcement Officer upon expiration of the six (6) month renewal period, a new permit application and payment of all applicable new permit fees must be submitted based on the value of the remaining permitted work.

C. Any work commenced or completed without the issue of a permit as required by this Code is subject to an after-the-fact permit with all applicable fees doubled.

REVISED

Town of Kittery Ordinance Revision Memorandum

Originator(s): A. Grinnell, Planning Board Chair;	Council Sponsor(s): J. Thomson, Chair
Council meeting date: September 14, 2015 Joint Workshop Meeting: none	Title: Various {subject is contractor certification for erosion control}
Town code section: Title 16, §16.9.1.3 and §16.2.2	History: Amendment

ENCLOSURES: CODE AMENDMENT**PURPOSE OF PROPOSAL:**

The proposal would bring clarity to the law with respect to contractors excavating within the Shoreland or Resource Protection Overlay Zones, and would codify what is currently the expectation from the Maine DEP, specifically with regard to proper executing of erosion and sedimentation control.

SUMMARY OF PROPOSAL/AMENDMENT:**Section 16.9.1.3.A.1 (lines 44-56)**

This section would codify what is recommended and is included in the Maine DEP shoreland zone rules and regulations (MRSA 38, §439-B. Contractors certified in erosion control). (The applicability has been reduced from town-wide in the prior proposal to only in the Shoreland or Resource Protection Overlay Zones)

Section 16.9.1.3.A.2 (lines 58-60)

This provision clarifies the intention of the amendment and exempts property owners doing their own work on their property.

Section 16.9.1.3.A.3 (lines 62-63)

This provision clarifies that the amendment only applies to regulated activities requiring a permit or Planning Board approval.

Section 16.2.2 (lines 137-139)

The State's definition of an excavation contractor is added to the Definitions section of the Code.

JUSTIFICATION:

- Having contractors certified in the proper methods to ensure adequate erosion and sedimentation control while excavating is crucial in the shoreland zone.
- The current code lacks the authorization for the Town to enforce a best management practice for managing erosion and sedimentation on properties with significant excavation.
- The amendment codifies good practice and what is likely to be mandated by the Maine DEP in the near future.

37
38 FISCAL IMPACT: None.

Code Amendment

16.9.1.3 Prevention of Erosion.

A. No person may perform any act or use the land in a manner which would cause substantial or avoidable erosion, create a nuisance, or alter existing patterns of natural water flow in the Town. This does not affect any extractive operations complying with the standards of performance specified elsewhere in this Code.

1. When an excavation contractor as defined in 16.2.2 performs an activity that requires or results in more than one (1) cubic yard of soil disturbance within the Shoreland or Resource Protection Overlay Zones, there must be a person responsible for management of erosion and sedimentation control practices on site and that person must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance must be included on the permit application. Excavation contractors will have one (1) year from the date of the adoption of this subsection to comply with certification requirements.

2. The above requirement of 16.9.1.3.A.1 does not apply to a property owner performing work themselves, or a person or firm engaged in agriculture or timber harvesting when best management practices for erosion and sedimentation control are used.

3. The above requirement of 16.9.1.3.A.1 only applies to regulated activities requiring local, state or federal permits, and/or Planning Board approval.

B. All development must generally comply with the provisions of the “Environmental Quality Handbook Erosion and Sediment Control” published by the Maine Soil and Water Conservation Commission. ~~Special consideration will be given to the following:~~ The developer must:

1. Select a site with the right soil properties, including natural drainage and topography, for the intended use;
2. Utilize for open space uses those areas with soil unsuitable for construction;
3. Preserve trees and other vegetation wherever possible;
4. Hold lot grading to a minimum by fitting the development to the natural contour of the land, avoid substantial areas of excessive grade;

5. Spread jute matting, straw or other suitable material during construction in critical areas subject to erosion;
6. Construct sediment basins to trap sediment from runoff waters during development. Expose as small an area of subsoil as possible at any one time during development and for as short a period as possible;
7. Provide for disposing of increased runoff caused by changed land formation, paving and construction, and for avoiding sedimentation of runoff channels on or off the site;
8. Plant permanent, and where ~~application~~ applicable indigenous, vegetation and install structures as soon as possible for the purpose of soil stabilization and revegetation;
9. All logging or woodlot roads must be located, constructed and maintained in conformance with the erosion prevention provisions of "Permanent Logging Roads for Better Woodlot Management", published by the U.S. Department of Agriculture.
- C. Where the Board has required a stormwater management and erosion control plan, said plan ~~shall~~ must be endorsed by the York County Soil and Water Conservation District or found satisfactory by the Town's Engineering peer reviewer. (Ordained 9/26/11; effective 10/27/11)
- D. All activities which involve filling, grading, excavation or other similar activities that potentially may result in unstable soil conditions, and which require a permit, must be made known in a written soil erosion and sedimentation control plan in accordance with the "Maine Erosion ~~&~~ and Sediment Control ~~Best Management Practices (BMPs)~~ Field Guide for Contractors", ~~March 2003~~ 2015 and as amended. The plan must be submitted to the permitting authority for approval and must include, where applicable, provisions for:
1. mulching and re-vegetation of disturbed soil;
 2. temporary runoff control features such as ~~hay~~ straw bales, silt fencing, filter socks or diversion ditches;
 3. permanent stabilization structures such as retaining walls or riprap.
- E. To create the least potential for erosion, development must be designed to fit with the topography and soil of the site. Areas of steep slopes where high cuts and fills may be required are to be avoided wherever possible, and natural contours must be followed as closely as possible.
- F. Erosion and sedimentation control measures apply to all aspects of the proposed project involving land disturbance, and must be in operation during all stages of the activity. The amount of exposed soil at every phase of construction must be minimized to reduce the potential for erosion.
- G. Any exposed ground area must be temporarily or permanently stabilized in accordance with the "Maine Erosion ~~&~~ and Sediment Control ~~Best Management Practices (BMPs)~~ Field Guide for

Contractors”, ~~March 2003~~ 2015 and as amended. All erosion control measures that are no longer necessary as determined by the CEO or Shoreland Resource Officer must be removed at the owner’s expense.

H. Natural and man-made drainage ways and drainage outlets must be protected from erosion from water flowing through them. Drainage ways must be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and be stabilized with vegetation or lined with riprap.

16.2.2 Definitions.

As used in this title:

Contiguous lots means lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen (15) feet wide.

Contractor, excavation means an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

Convalescent care facility means a facility that is licensed by the State of Maine to provide nursing care to persons during periods of recovery or rehabilitation. The facility provides nursing care and related rehabilitation services. The facility does not provide hospital services except as incidental to the delivery of nursing care. A convalescent care facility does not include any facility that is defined as an eldercare facility.

KITTERY TOWN CODE APPENDIX A – FEE SCHEDULES

SCHEDULE 16. LAND USE AND DEVELOPMENT FEES

Chapter 16.5 BUILDING/REGULATED ACTIVITY PERMITS

16.5.3 Application.

16.5.3.3 Fee.

Building/Regulated Activity Fees

Per application	\$25.00 <u>base fee</u> plus \$12/\$1,000 of <u>value of work</u>
Commercial/industrial and larger than two-family dwellings:	\$100.00 <u>base fee</u> plus \$15/\$1,000 <u>value of work</u>
Re-inspection for a failed inspection	\$50.00
Structure demolition	\$20.00
Stop work order removal	\$125.00
Building permit amendments (Value of Change)*	\$12 or \$15.00/\$1,000
After the fact Building Permits	Double Fee

For maintenance activities to existing residential property including, but not limited to, repairs to roof, siding, painting, chimney etc., the town will waive the \$12/\$1,000 fee up to the first \$10,000 of the cost of the project. An application is required to be filed for work under the waiver at the \$25 application fee.

*Note: Does not apply on maintenance projects and/or permits remaining under an initial \$10,000 value of work.

EXAMPLES:

Building/regulated activity permit fee for a new \$148,000 house:

Base application fee of \$25.00 plus $(\$148,000/\$1,000) \times \$12 = \$1,801.00$

Maintenance Permit Example #1: Roofing repairs = \$15,000.

Base application fee of \$25.00 plus $(\$15,000 - \$10,000) \$5,000 \text{ cost or } 5 \times 12 = \60 for a total cost of \$85.00.

Maintenance Permit Example #2: Chimney repairs = \$10,750.

Base application fee of \$25.00 plus fee is pro-rated on \$750 (\$9.00) for a total of \$34.00 (fee is pro-rated on any \$1,000 over the waiver amount).

Note 1: The value of work is based on the fair market value of the improvements as determined by the Code Enforcement Officer. Any work costing over a \$10,000 is pro-rated to the even \$100 of cost for permitting purposes.

Note 2: Building/regulated activity permit fees do not include fees for the following:

- Internal plumbing inspection (per fixture fee)
- External plumbing inspection (per septic system fee)
- Town electrical inspection (\$25.00 per inspection)
- State electrical inspection (per fixture fee)
- Sewer impact fees (\$2,000 per unit)
- Public safety impact fee
- Development exaction fee

16.5.8 Plumbing and Septic System Permit Fees.

16.5.8.2 Plumbing Permit Fees.

Administrative fee for all permits	\$25.00 plus
Minimum fixture fee	\$24 40 .00
Fixture fee	\$6 10 .00 per fixture
Re-inspection fee	\$20.00
New water distribution and/or drainage pipes installation or relocation, but no fixtures installed	\$24.00
Hook-up fee for connection of a mobile home which bears the Housing and Urban Development (HUD) seal or a modular home which bears the Manufactured Housing Board seal to a building sewer	\$24.00
Hook-up fee for connection to a public sewer when piping is installed beyond the jurisdiction of the sanitary district	\$24.00
Permit transfer fee	\$6 10 .00
<hr/>	
Treatment tank (engineered system)	\$80.00
Holding tank	\$100.00
Other Components (Complete pump station, piping, other)	\$30.00

~~SCHEDULE 14. APPEALS~~

**~~Chapter 16.6 14.4 — MUNICIPAL ACTION DECISION APPEAL, VARIANCE and OTHER
REQUESTS~~**

~~14.4.14~~ 16.6.5.13 Fees.

Board of Appeals Application Fees	
Administrative Decision Appeal Request	\$50.00
Variance Request	\$100.00
Miscellaneous Variation Request	\$100.00
Special Exception Use Request	\$150.00
{MOVED FROM SECTION PRECEEDING SCHEDULE 16. TITLE 14 DOES NOT EXIST}	

Chapter 16.8 DESIGN and PERFORMANCE STANDARDS – BUILT ENVIRONMENT

Article X. Signs

16.8.10.11 Sign Permit Application Procedures.

BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 10/27/15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>KITTERY FORESIDE LLC</u> DOB: _____			2. Business Name (D/B/A) <u>ANNEIRE JANS</u>		
DOB: _____					
DOB: _____			Location (Street Address) <u>60 WASHINGTON SQUARE</u>		
Address <u>60 WASHINGTON SQUARE</u>			City/Town <u>KITTERY</u>	State <u>ME</u>	Zip Code <u>03904</u>
			Mailing Address <u>SAME</u>		
City/Town <u>KITTERY</u>	State <u>ME</u>	Zip Code <u>03904</u>	City/Town _____	State _____	Zip Code _____
Telephone Number <u>207-439-0001</u>	Fax Number _____		Business Telephone Number _____	Fax Number _____	
Federal I.D. # <u>27-3499377</u>			Seller Certificate # <u>1147456</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ — FOOD \$ 500 LIQUOR \$ 310

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: _____
 Requested inspection date: _____ Business hours: _____
9. Business records are located at: 60 WASHINGTON SQ. LITTLETON ME 03904
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
 Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
JASON ADAM CANRY	06/06/70	LOWELL, MA

Residence address on all of the above for previous 5 years (Limit answer to city & state)

SOUTH BERNICK, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
 Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: POUR BIER PERMIT MARGARET PALAV

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) YEAR ROUND BISTRO
SERVING DINNER NIGHTS ONLY

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
 YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 MILE Which of the above is nearest? CHURCH

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: BUSINESS LOAN - OPTIMA BANK + TRUST

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

KITTERY FORESIDE LLC

2. Other business name for your entity (DBA), if any:

ANNETTE JANS

3. Date of filing with the Secretary of State: OCTOBER 2010

4. State in which you are formed: MAINE

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
JASON ADAM CANTY	S. BERNICK 2 YORK WOODS RD ME 03900	6/6/70	65
SCOTT VICKER	EH07, ME 03903	8/18/69	35

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____


Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

Date SEPT., 2015

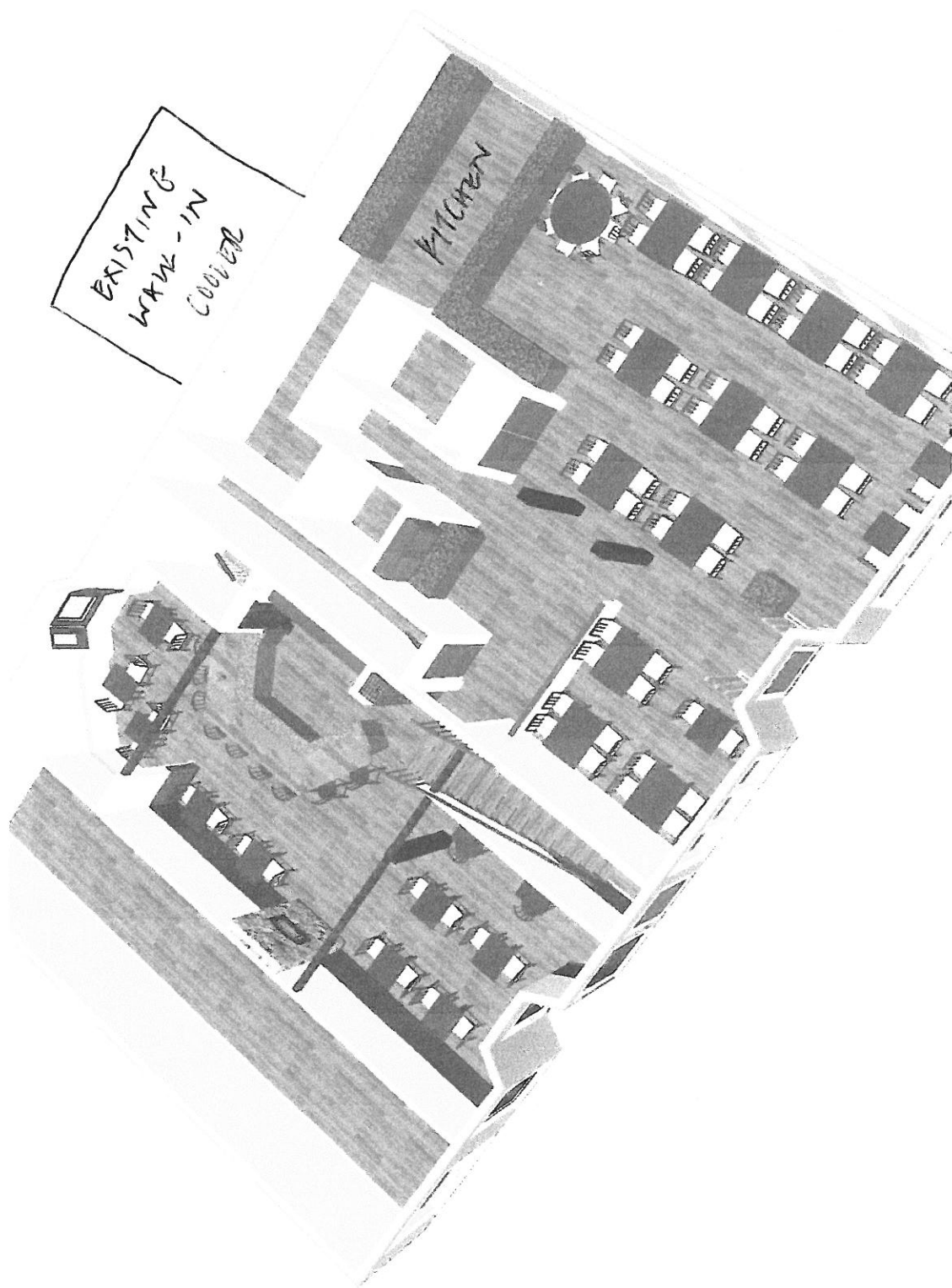
JASON CANRY

Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries:



EXISTING
WALK-IN
COOLER

* NINE ROOM IN BASEMENT

Dated at: KITTERY ME on SEP 7, 20 15
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.
- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.
- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.
- Class III** Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.
- Class IV** Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.
- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.
- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge
- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

FILING FEE \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)
On: _____
Date

The undersigned being: ف Municipal Officers ف County Commissioners of the
ف City ف Town ف Plantation ف Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.